

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

W.P.No.16521 of 2005

Between:

Ramidi Jagga Reddy, s/o. late R. Mallaiah,
Aged about 62 years, Occ: Retd. Teacher,
R/o. Ellandukunta, Jammikunta Mandal,
Karimnagar District, presently r/o.Plot No.206,
J.P.N.Nagar, Miyapur, Hyderabad. .. **Petitioner**

And

1. Mandal Revenue Officer,
Jammikuta Mandal, Karimnagar District.
and another .. **Respondents**

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ORDER:

The writ petition is filed seeking a Mandamus to declare the action of the first respondent-Mandal Revenue Officer, Jammikunta Mandal, Karimnagar District, in not passing the orders after conducting an enquiry in respect of the land admeasuring Ac.0.07 guntas comprised in Survey.No.657 of Ellanthakunta of Jammikunta Mandal, in pursuance of his notice No.B/737/2005, dated 14-03-2005 as illegal and arbitrary and consequently to direct the first respondent to pass appropriate orders forthwith.

The case of the petitioner is that he is in possession and enjoyment of his ancestral property of dry land admeasuring Ac.0.16 guntas comprised in Sy.No.657 situated at Illanthakunta village of Jammikunta Mandal. The Royathwari pass book was also issued in the name of his father in 1983, wherein it was shown that Ac.0.07 guntas in Sy.No.657 belongs to his father. It is his further case that in the Adangal/Pahani for the year 2004-2005, the name of second respondent-Remidi Rajamma was also shown as enjoyer of Ac.0.08 guntas in Sy.No.657. Under the guise of said mistake, when the second respondent tried to sell the same, he got issued a legal notice to the second respondent. He also made a complaint to the first respondent on 21-02-2005 and in turn the first respondent issued a notice dated 14-03-2005 asking the petitioner to appear before him for enquiry on 22-03-2005 along with the documentary evidence, if any. On 22-03-2005 the enquiry was not conducted and on the next day i.e., 23-03-2005 his statement was recorded by the first respondent, but no orders have been passed so far. Hence, this writ petition.

The learned counsel for the petitioner contends that on the basis of his representation the first respondent though issued impugned notice and recorded his statement, yet failed to pass any orders thereon. He further submits that taking advantage of the situation, the second respondent is trying to sell the land of the petitioner. He also submits that if a direction is not given to the first respondent to pass appropriate orders, the petitioner would suffer irreparable loss.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue, appearing on behalf of the first respondent.

Perused the impugned notice. From the impugned notice, it is clear that on the basis of representation of the petitioner dated 14-03-2005 for the allegation that second respondent pressured over the Village Secretary and got entered her name in encroacher column, the first respondent issued a notice to the petitioner, second respondent and Village Secretary directing them to appear before him on 22-03-2005 with documentary proof. Further, it has to be observed that except issuing notice, and recording the statement of the petitioner, no enquiry was conducted by the first respondent so far. Hence, this writ petition.

In view of the above facts and circumstances of the case,

I feel it would suffice if a direction is given to the first respondent to conduct an

enquiry into the matter and to pass appropriate orders thereon, after affording an opportunity to both the parties, in accordance with law, as expeditiously as possible, preferably within a period of eight weeks from the date of receipt a copy of this order.

With the above direction, the writ petition is disposed of at the stage of admission.
No costs.

ELIPE DHARMA RAO, J

Date: 28th July, 2005

Note: Issue CC in two days

(B/o.)

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